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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1084 OF 2006
IN
SUIT NO.1490 OF 11991

Blue Star Limited).. Plaintiffs

Versus

Project and Equipment Corporation of India Ltd. and another).. Defendants

Ms.Anupama B.Kapadia i/b.B.F. & Diwan for the Plaintiffs.

Mr.Paritosh Jaiswal i/b.M/s.Kanga & Co. for Defendant No.1.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 24TH APRIL 2006

P.C.:

. By consent, Notice of Motion taken up for final hearing.

2. The present Notice of Motion is taken out by Defendant No.1 for condoning the delay in filing the Written Statement and taking the same on record. According to the learned Advocate for Defendant No.1, the Written Statement of Defendant No.1 was prepared in September 1998 itself but remained to be filed for the reasons set out in the affidavit supporting the Motion.

3. There has been an inordinate delay on the part of Defendant No.1 in realising that the Written Statement had not been filed although the same was prepared in 1998. However, with a view to ensure that no injustice is done to Defendant No.1, the Motion is allowed on condition that Defendant No.1 pays costs quantified at Rs.10,000/- (Rupees Ten Thousand only) to the Plaintiff within two weeks from today.

4. Notice of Motion made absolute in terms of prayer clauses (a) and (b) on condition that Defendant No.1 pays costs quantified at Rs.10,000/- (Rupees Ten Thousand only) to the Plaintiff within two weeks from today.